

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

KALIM T. WILSON,

Defendant.

Case No. 00-cr-40070-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Kalim T. Wilson's ("Wilson") motion for reconsideration of the Court's order denying him free copies of certain documents relating to his case (Doc. 60). As a preliminary matter, the Court has no jurisdiction to hear this motion because Wilson has appealed the Court's prior order denying him those documents. Wilson's appeal divests the district court of its control over that issue since it is the critical issue on appeal. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982); accord *May v. Sheahan*, 226 F.3d 876, 879 (7th Cir. 2000). Accordingly, the Court **DISMISSES** the motion (Doc. 60) for **lack of jurisdiction**.

The Court further notes that since it entered the order Wilson appealed, the Court has appointed the Federal Public Defender to represent Wilson with respect to the potential applicability of retroactive revisions to the United States Sentencing Guidelines for crack cocaine offenses. See ILSD Admin. Order 102 (Doc. 56). The Court believes it is likely that if Wilson's counsel deems those documents necessary to Wilson's pending motion for a reduction of sentence, he or she will be able to access them in the Court files or to make a request for the documents that does not suffer from the deficiencies present in Wilson's prior motions.

Because the Court believes Wilson's counsel's action in connection with his pending motion

for a reduction of sentence may at some time render Wilson's appeal moot, the Court **DIRECTS** the Clerk of Court to send a copy of this order to the Court of Appeals to be considered in connection with *United States v. Wilson*, U.S.C.A. Docket No. 07-3888.

IT IS SO ORDERED.

DATED: January 17, 2008

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE